

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

**ABDUR RAHIM ISLAM
SHAHIED DAWAN
KENYATTA JOHNSON
DAWN CHAVOUS**

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CRIMINAL NO. 20-45

ORDER

This 14th day of October, 2022, for the reasons that follow, it is hereby **ORDERED** that Defendant Johnson’s Motion in Limine, ECF 364, to preclude testimony about the Philadelphia 2035 Plan is **GRANTED**. Even without reference to the concept of “spot” zoning, testimony that the Royal Theater Ordinance was unique based upon a comparison to other ordinances sponsored by the Defendant involves a number of sophisticated inferences that a lay witness is not qualified to draw. Having reviewed the 2035 Plan, the Court cannot agree that it is a simple matter of comparing various parcels of land to designations within a document. Nor is it intuitively clear that differences in the size of real estate parcels alone is an appropriate benchmark for comparison between them. To combat the proposed testimony on cross-examination would require defense counsel to delve into numerous collateral subjects, and the risk of confusion would be substantial. Denial of this motion is without prejudice to renewal by the Government should the defense raise issues concerning the zoning process that are properly the subject of rebuttal.

/s/ Gerald Austin McHugh
United States District Judge